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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,480	07/06/2001	Ashok V. Joshi	011125	4158

7590 08/19/2002

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EXAMINER

LEVY, NEIL S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 08/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09 900420

Applicant(s)

JOSHI

Examiner

NELLEY

Group Art Unit

1616 6

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 DAYS MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10/15/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-33 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Receipt is acknowledged of IDS, Declaration, and Drawing.
Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to beneficial material, classified in class 424, subclass 405.
- II. Claims 13, 14, drawn to photoactive materials, classified in class 423, subclass 324.
- III. Claims 15-17, drawn to peroxide materials, classified in class 514, subclass 495.
- IV. Claims 18-24, drawn to wound healing devices, classified in class 602, subclass 1.
- V. Claims 25-26, drawn to method of coating, classified in class 427, subclass 4.
- VI. Claims 27-29, 32, 33, drawn to a method of mixing, classified in class 23, subclass 313.
- VII. Claims 30, 31, drawn to method of molding, classified in class 425, subclass 78.

The inventions are distinct, each from the other because:

The various Groups I-VII; provide patentably distinct, independent materials, devices and formation methods, one from each of the others.

Because Groups have acquired a separate status in the art as shown by their different classification, and their recognized divergent subject matter, and the search for any one group is not required for any other group, and because a search and

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examination of the entire application would place an undue burden on the Examiner, the present restriction requirement is proper for examination purposes.

This application contains claims directed to the following patentably distinct species of the claimed invention: species of support; onomer, anion exchange, cation exchange, NASICON or NAFION.

This application contains claims directed to the following patentably distinct species of the claimed invention: species of reactive material: noble metal of: Ag, Au, Pt, Cu, Zn, Rb, Pd, Rh, Ir, Ru, Mg, Ca and Sn ; metal oxide of fAg, Au, Pt, Cu, Al, Is, Ti, Pd, Rh, Ir, Ru, and Mg.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-12, 18-31 are generic.

This application contains claims directed to the following patentably distinct species of the claimed invention: species of substrate: paste, putty, adhesives, glue, epoxy spray or tar, paint, wound healing devices, prosthetic devices and other implantable devices, woven pad or gauze pad.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-31 are generic.

This application contains claims directed to the following patentably distinct species of the claimed invention: species of reactive: one of claim 14: TiO_2 and Titanates, Fe_2O_3 and compounds of Re_2O_3 and other oxides, Silver and Copper Oxides,

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halides and chalcogenides, Vanadium pentoxide and vandates, Tin oxides and stannates, Silver Ion Conductors, NbO_2 and Niobates, TiO_2 and NbO_2 solid solutions, Bi_2O_3 and bismuth chalcogenides, Silicone and Germanium doped with p-type and n-type impurities P-N junctions of semiconductors, such as InP , ZnP , Zinc chalcogenides and Zn oxides and Zn phosphides.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 13 and 14, 18-31 are generic.

This application contains claims directed to the following patentably distinct species of the claimed invention: species of reactive: MgO_2 , BaO_2 , SnO_2 , AgO , CaO_2 and ZnO_2 , perovskites of $\text{La}_2\text{NiO}_{4+\delta}$, $\text{La}_2\text{CuO}_{4+\delta}$, $\text{CeNiO}_{4+\delta}$, and $\text{Ce}_2\text{CuO}_{4+\delta}$.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 15-17 are generic.

This application contains claims directed to the following patentably distinct species of the claimed invention: species of insecticide: DEET, Spinusad.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 11, 12 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Because the above restriction/election requirement is complex, a telephone call to applicant's agent to request an oral election was not made. See M.P.E.P. Sec. 812.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is 308-2412. The examiner can normally be reached on Tuesday- Friday 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees can be reached on 308-4628. The fax phone numbers for the

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organization where this application or proceeding is assigned are 305-4556 for regular communications and 305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.



Levy: mv
August 14, 2002

NEIL S. LEVY
PRIMARY EXAMINER